

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN L. KROLL, :
Plaintiff, :
v. : Case No. 3:21-cv-207-KAP
JOHN WETZEL, *et al.* :
Defendants :
:

Memorandum Order

In Burton v. Schamp, No. 18-1174, 2022 WL 322883 (3d Cir. Feb. 3, 2022), the Court of Appeals held that in cases where only the plaintiff had consented to Magistrate Judge jurisdiction under 28 U.S.C. § 636(b)(1)(C), the appropriate procedure is for the Magistrate Judge to issue a report and recommendation to the District Court which is vested with the authority to dismiss the parties and enter final judgment in the matter.

The judgment in this matter is therefore vacated. The Clerk shall assign this matter to an Article III judge under the normal procedure for nonconsent cases, with the reference back to me. My memorandum of January 10, 2022 is submitted as a Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1), plaintiff can within fourteen days file written objections to the Report and Recommendation. Plaintiff is advised that in the absence of timely and specific objections, any appeal would be severely hampered or entirely defaulted. See EEOC v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (describing standard of appellate review when no timely and specific objections are filed as limited to review for plain error).

DATE: February 7, 2022



Keith A. Pesto,
United States Magistrate Judge

Notice by U.S. Mail to:

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